IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 22739 of 2004

Between:

Kum.K. Vanitha, D/o K. Manohar,

resident of H.No.10-9-1/A, Vijayaka Nagar,

Bala Nagar, Hyderabad.

..... PETITIONER

AND

1 The District Collector , Ranga Reddy District at Saifabad, Hyderabad.
2 The District Registrar, Ranga Reddy District.
3 The Sub Registrar, Medchal, Ranga Reddy District.

.....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ, order or direction more particularly one in the nature of Writ of Mandamus calling for the record from the1st respondent herein relating to circular instructions R.C.No. E2/406/2001, dated
6-2-2001 and declare the same as illegal, arbitrary and violative of Articles 14 and 19 of the Constitution of India and Ultravires of the Registration Act and consequently direct the 2nd and 3rd respondents herein to register the sale deeds in respect of the petitioner's land bearing Plot No. H-107 in Sy.No. 329/10 admeasuring 225 Sq. Yards or 188.1 Sq. Meters situated at Mahadevapuram Residential Project-Phase - III, Gajularamaram Village, Qutbullapur Mandal, Ranga Reddy District in favour of the prospective purchasers.

Counsel for the Petitioner: MR.N.CHANDRADHAR RAO

Counsel for the Respondents.: GP FOR REVENUE

The Court at the admission stage made the following :

ORDER:

The writ petition is filed questioning the Circular instructions R.C.No.E2/406/2001, dated 06-02-2001 of the first respondent as illegal, arbitrary and violative of Articles 14 land 19 of the Constitution of India and also to direct the respondents 2 and 3 to register the sale deeds in respect of the petitioner's land bearing Plot No.H-107 in Sy.No.329/10 admeasuring 225 sq.yards or 188.1 sq.meters situated at Mahadevapuram residential Project Phase-III, Gajularamaram Village, Qutbullapur Mandal, Renga Reddy District in favour of the prospective purchasers.

Heard the learned counsel for petitioner and the learned Government Pleader for respondents.

The learned counsel for the petitioner submits that the matter is squarely covered by a judgment of this Court in Writ Petition No.10487 of 2004. The operative portion of the said judgment reads as under:

> "As long as any person holds title to the property, the respondents do not have any power or jurisdiction to prevent the same from being transferred. It is not as if there is no provision of law to protect the properties of the Government. In case, any individual is found to be in possession of government land, the Andhra Pradesh Land Encroachment Act enables the revenue authorities to evict the persons in unauthorized occupation. Similarly, proceedings can be initiated under the provisions of the Andhra Pradesh Land Grabbing (Prohibition) Act where a person is found to be in possession of government land without legal entitlement. The Joint Collector has

chosen the course of action, which is not permissible in law.

The Registration Act does contain a provision enabling the government to prohibit transfer in respect of any lands. Such prohibition, however, is to be imposed by issuing a notification under Section 22(A) of the Registration Act, 1908. The Government has not chosen to issue a notification under that provision in respect of lands held by the petitioner. Viewed from any angle, this Court does not find any basis for the impugned circular. The Division Bench of this Court in its judgment dated 10-09-2001 in W.A.No.1390 of 2001 took exception to such an exercise.

For the foregoing reasons, the writ petition is allowed and the impugned order is set aside. Any document presented by the petitioner or any persons claiming through it shall be processed and dealt with as per the provisions of the Indian Stamp Act and the Registration Act."

To verify the facts or otherwise, this Court has directed the Government Pleader to get instructions and the matter was adjourned. Today, when the matter is taken up, it is submitted by the learned Government Pleader that no notification under Section 22(A) of the Registration Act, 1908 was issued with regard to the subject lands.

In the circumstances, following the judgment of this Court in W.P.No.10487 of 2004, the present writ petition is allowed and the impugned order is set aside. Any document presented by the petitioner or any persons claiming through it shall be processed and dealt with as per the provisions of the Indian Stamp Act and the Registration Act. No costs.

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N.V.RAMANA, J

Date: 16-12-2004.

Chvn/Tvk

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The District Collector , Ranga Reddy District at Saifabad, Hyderabad.
2 The District Registrar, Ranga Reddy District.
3 The Sub Registrar, Medchal, Ranga Reddy District.

4 Two C.Cs. to the G.P. for Revenue, High Court Buildings, Hyderabad(OUT).

5 Two C.D.copies.